

Remarks

Claims 17 through 32, 34 and 35 are in the case. Claims 17, 18, 19, 20, 22, 23, 25, 26, 28, 29, 31, 32, and 35 have been amended and claim 33 was canceled. The Examiner noted that should claim 22 be found allowable, claim 21 will be objected to. Applicants respectfully request the Examiner to reconsider. Besides other minor differences, claim 22 describes R¹ and R² as being selected from "...a carbinol group free of aryl groups having at least 6 carbon atoms" whereas claim 21 refers back to claim 17 where R¹ and R² are described as being selected from "...a carbinol group free of aryl groups having at least 3 carbon atoms" which Applicants believe is a substantial difference. The Examiner also rejected claims 19, 20, 23, 25, 26, 28, 31, and 32 because the claims recited "typical value". Applicants have removed the word "typical" from each of these claims. Applicants have also amended claim 28 to depend from claim 27.

The Examiner rejected claims 17, 18, 20, 24 and 26 under 35 U.S.C. §102(b) as being anticipated by Harrod (US Pat. 3,410,820). The Examiner also rejected claims 17, 18, 21 and 22 under 35 U.S.C. §102(b) as being anticipated by Onishi et al. (US Pat. 4,822,716). The Examiner also rejected claims 29 and under 35 U.S.C. §102(b) as being anticipated by Sugiyama et al. (US Pat. 5,264,319). After review of the cited references, Applicants have amended claims 17, 18, 20, 22 and 23 to remove any reference to "an aryl-containing carbinol group having at least 6 carbon atoms." All of the cited references refer to hydroxyphenyl containing materials. Applicants have now removed from the claims groups which would encompass those materials. Therefore, Applicants request that the rejections under 35 U.S.C. §102(b) be withdrawn. In addition, Applicants believe these amendments should overcome the Examiner's 103(a) rejection of claims 19 and 25 based on Harrod. Harrod does not teach copolymeric organopolysiloxanes having a carbinol group free of aryl groups. Therefore, Applicants also request that the rejection under 35 U.S.C. §103(a) be withdrawn.

Applicant notes that the Examiner has stated that claims 33 and 35 would be allowable if rewritten in independent form. Applicants have amended claim 29 to include claim 33 and canceled claim 33. Applicants also requests the Examiner reconsider his rejection of claims 29

and 34 under 35 U.S.C. §103(a) as being unpatentable over Forestier et al as evidenced by Ona et al and Lee et al. due to these amendements. Applicants believe claims 29 through 32, 34 and 35 should now be allowable.

The Examiner rejected claims 21-23, 27 and 28 under 35 U.S.C. §103(a) as being unpatentable over Harrod in view of Yoshino. As described above, Harrod does not teach copolymeric organopolysiloxanes having a carbinol group free of aryl groups and Yoshino also does not. Therefore a person skilled in the art would not look to these patents to make the Applicants' invention.

For all the reasons provided above, Applicants believe claims 17 through 32, 34 and 35 as amended are allowable and respectfully request the Examiner to allow them to issue.

This reply is being submitted within the period that applicants believe in good faith that only one month extension of time is needed. However, the applicants hereby petition for any necessary extensions of time. You are authorized to charge deposit account 04-1520 for any fees necessary to maintain the pendency of this application. You are authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to deposit account 04-1520.

Respectfully Submitted,

Dow Corning Corporation

/Patricia M. Scaduto/

Patricia M. Scaduto

Reg. No. 39,827

Tel: 989-496-6925